GOVERNMENT OF MADRAS. Secrt. II-28.—60,006—4-1-52.

'1950) Department.

Endorsement
R.O.
Memorandum
Lodged

No. 72934 J M 50-3

Passed
19
Supdt

FOR MYSORE STATE

IN COURT OF [illegible]
[illegible]y, the twenty fifth day of [illegible]
[illegible]nd nine hundred and fif[illegible]

PRESENT:

[illegible]le Mr. P.V.Rajamannar, Chief Justice.

The Honourable Mr. Justice Viswanatha Sastri.

Civil Miscellaneous Petition No. 9915 of 1950.

Ramana Gowd ---- Petitioner (Petitioner in C.M.P. No. 9915 of 1950 on the file of the High Court)

Petition praying that in the circumstances stated in the affidavit filed with C.M.P. No. 9915 of 1950, on the file of the High Court the High Court will be pleased to direct stay the operation of the Notice issued on 7-8-1950 Ref.C.No.3065/A.I by the Assistant Tahsildar, Bellary and restrain the Government from taking further proceedings pursuant thereto and under the Madras Estates Land (Reduction of Rent) Act of 1947 in respect of Shrotriem Kattahalli (Lakshmipuram)village Bellary District, pending C.M.P. No. 9915 of 1950, presented to the High Court to issue a writ of certiorari calling for the records relating to the Government Notification No.7227 dated 20-7-1950 relating to Shrotriem Kattahalli (Lakshmipuram) village, Bellary Taluk, Bellary District, published in Fort St.George Gazette dated 20-7-1950 at page 1059 and the notice issued in pursuance thereof i.e C.No.3065/50 A.I dated 7-8-1950 by the Assistant Tahsildar, Bellary and quash the order therein.

ORDER: This petition coming on for orders, upon hearing the petition and the affidavit filed in support of C.M.P.No. 9915 of 1950, on the file of the High Court, and upon hearing the arguments of Mr. D.Narasa Raju and Mr. M.S.Krishnamurthy, Advocates for the Petitioner, in support that the operation of the notice issued on 7-8-1950, Ref.C.No. 3065/50 A.I by the Assistant Tahsildar, Bellary and further proceedings by the Government pursuant thereto and under the Madras Estates Land (Reduction of Rent) Act of 1947 in respect of shrotriem Kattahalli (Lakshmipuram) village, Bellary District be and hereby stayed pending C.M.P. No. 9915 of 1950 on the file of the High Court

of the notice issued on
Ref.C.No.7067/70 A.I.L
Mahaldar, Bellary and
by the Government thereto and
under the Inams Estates Land (Determination
Amdt) Act of 1947 in respect of Shrotriem
Kattarali (Lakshmipura)village, Bellary
District pending C.M.P. No. 9015/70 on the
file of the High Court.

GOVERNMENT OF MADRAS.
Revenue Department.

Memorandum No. 72934 I/50-1 dated 28.10.50.

Bellary)- Bellary taluk - Shoolarieem Battarakalli Lakshmipuram) village

Suits High Court - C.M.P. No. 9916/50
Proceedings under the Madras Estates Land (Reduction of Rent) Act, 1947, (Madras Act XXX of 1947)
Stay order - Communicated.

C.F. From the High Court, Order in C.M.P. No. 9916/50 dated 25-10-50.

A copy of the order of the High Court quoted above is forwarded to the Board of Revenue and the Collector of Bellary for immediate necessary action.

28.10.50.

To

The Board of Revenue (S.E)
The Collector of Bellary with a copy of C.F.

Writ of Certiorari-Order Nisi (to produce and to appear)

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Wednesday, the twenty fifth day of October,
One thousand nine hundred and fifty.
Civil Miscellaneous Petition No. 9915 of 1950.

ASSISTANT SECRETARY TO GOVERNMENT
1 NOV 1950
7/0097
REVENUE DEPARTMENT

Between:-

Rangana Gowd. ... Petitioner.

1. The State of Madras represented by the Secretary, Revenue Department, Fort St. George, Madras.
2. The Assistant Tahsildar, Bellary. ... Respondents.

To

The Secretary Revenue Department,
representing the State of Madras Fort St. George,
Madras.

1st Respondent.

WHEREAS upon motion this day made unto this Court by Mr.D. Narasaraju and Mr.K.B.Krishnamurthy, Advocates for the petitioner and the Court being of opinion that the records relating to the Government Notification No. 3623 dated 30-3-1950 relating to strotrium Battarhalli (Lakshmipuram) Village Bellary taluk, Bellary District published in Fort St. George Gazette dated 30-5-1950 at page 1652 and the notice issued in pursuance thereof i.e. C. No. 3065/50 A-I dated 7--8--1950 by the Assistant Tahsildar, Bellary together with the decision therein, should be called for and perused it is hereby commanded

(1) that you the Secretary, Revenue Department representing the State of Madras, the 1st Respondent herein do send forthwith for our use in the High Court of Judicature at Madras all and singular the said records and orders with all things touching the same as fully and perfectly as they have been made by you, and now remai in your custody or power together with this our Writ before the 22nd day of November 1950, at 10-45 A.M. and

(2) that you, the Secretary, Revenue Department, representing the State of Madras the 1st Respondent herein do appear before us personally or by Advocate on the 22nd day of November 1950 at 10-45 A.M. and show cause why this petition should not be complied with, and that we may cause further to be done thereon what of right and according to law we shall see fit to be done.

WITNESS the Honourable Mr. P.V.Rajamannar, Chief Justice of the High Court of Judicature at Madras at Madras this 25th day of October in the year, One thousand nine hundred and fifty.

V. Krishnaswamy 25.X.50

ASSISTANT REGISTRAR, App. Side.

GOVERNMENT OF MADRAS
Revenue Department

Memorandum No. 72934 7/50-2 dated 3.11.50.

Suits - High Court - C.M.P. No. 9915/50 - (Bellary) - ~~Bellary taluk~~ Shorotigam Battarahalli (Lakshmipuram) village. Proceedings under the Madras Estates Land (Reduction of Rent) Act, (Madras Act XXX of 1947) - Production of Records.

Govt. Memo. No. 72934 7/50-1 Rev. dated 28-10-50.
From the High Court, Order in C.M.P. No. 9915/50 dated 25-10-50

A copy of the order of the High Court above is forwarded to the Board of Revenue and the State ~~Counsel~~ counsel. The Board of Revenue is requested to take necessary action in the matter immediately in consultation with the State Counsel.

2. The State Counsel ~~is~~ are requested to obtain ~~and send to the Board of Revenue~~ copies of the affidavit and the petition filed in the C.M.P. and send them to the Board of Revenue which will give them the necessary instructions in the matter.

3/11/50

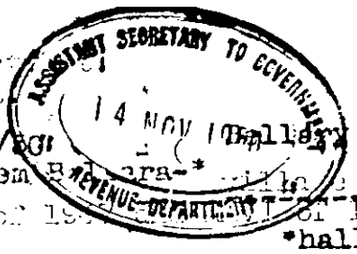
The Board of Revenue (S.E)
The State Counsel.
Copy to the Collector of Bellary

with a copy
of pp 1-5 c.f.

4/11

Revenue Department
Subject

Suits - H.C. Court - C.M.P. Nos. 9916/50 - Bellary Taluk - Shrotriem [illegible] - Proceedings under the Madras Act XXX of 19[illegible] of 1948 - Particulars - called for. *halli (Lakshmipuram



Bellary

Ref. S.R. (C) No. ****3879/50.-1

Station: Madras dated 2-11-1950

From

Sri N. Subrahmanyam, I.C.S.,
Secretary, Board of Revenue,
(Settlement of Estates).

Sri T.N.S. Raghava, I.C.S.,
Commissioner for Settlement of Estates.

Read/the following:

From the Government, Revenue Department Memo No.72934-J 5-1 dated 28-10-1950

Reference:

The immediate attention of the Collector of Bellary is invited to the Government memorandum cited and he is requested to carry out the stay order granted by the High Court pending order on C.M.P. No. 9915/50 and to report the action taken by him in the matter.

for Secretary.

To the Collector of Bellary.

Copy to the Secretary to Government, Revenue Department, Madras.

NR/6--11

SECRETARY TO GOVERNMENT
15 NOV 1950
REVENUE DEPARTMENT

Revenue Department.
Subject.

77766 B3
15-11-50

Suits - High Court - C.M.P. Nos. 9915/50 - (Bellary)
Bellary Taluk - Shro.Battara-[illegible]halli(Lakshmipuram) vge.
Proceedings under the Madras Act XXX of 1947 and XXVI of 1948 -
Particulars - called for.

*****

Ref. S.T. (3) No. 3879 /50.-2,

Station: Madras Dated 13/11/50.

From

Sri K. Subrahmanyan, I.C.S.,
Secretary, Board of Revenue,
(Settlement of Estates).

Sri T.N.S. Raghavan, I.C.S.,
Commissioner for Settlement of Estates.

Read the following:

Reference:

From the Govt., Rev. Dept. Memo No. 72934-J/50-2, d.3/11/50.

The attention of the State Counsel, Madras is invited to the Government Memo. cited and they are requested to obtain and send the copies of the petition and affidavit filed by the petitioner to enable the Board to prepare the note to be sent to them for preparing the counter-affidavit. The connected records will be sent to them along with the note. They are requested to take an adjournment on ... the hearing date if the counter-affidavit is not ready for being filed on that date.

for Secretary.

To the State Counsel, Madras.

Copy to the Secretary to Government, Revenue Department.

G.R.13/11/50.

13/11.

J3 78969 J

Department

From (Name) JOHN & ROW,
STATE COUNSEL FOR
THE GOVERNMENT OF MADRAS.
337 THAMBU CHETTY ST.
G.T. MADRAS.

Received Registered

To

The Commissioner for Settlement of Estates, Board of Revenue Chepauk, Madras.

Enclosures:

No. vpts 3001/50 dated 17th November 195 0

Sir,

Sub: Suits- High Court- C.M.P. No. 9915/50. (Bellary) Bellary Taluk- Shrotriem Battarahalli-(Lakshmipuram) village- proceedings under the Madras Estates Land(Reduction of Rent) Act-)Madras Act XXX of 1947) Production of records. Memorandum No. 72984-J/50-1. dt. 28- 10- 50 from the Revenue Department, Govt. of Madras. — p. 6 ante

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We have written to the advocates for the petitioner in the above matter to send us a copy of the petition and affidavit in the above matter. As soon as we receive them from them we shall forward the same on to you for your instructions for drafting counter affidavits.

Yours faithfully,

John Row

State Counsel

copy to The Secretary to Govt.
Revenue Department
The Collector of Bellary.

To DR: RD

Copies of the letters on pp. 8-10 ante are submitted for perusal. The Boards' further report may be awaited

12-30.
16/12/57

DR
11/12/57

ASSISTANT SECRETARY TO GOVERNMENT
27 JAN 1951
REVENUE DEPARTMENT

REVENUE DEPARTMENT

Subject

SUITS--High Court--C.M.P.No. 9915/50--(Bellary)--Bellary Taluk--Batrahalli Lakshmipuram village--Proceedings under the Madras Act XXX of 1947--Writ for production of records--Counter-affidavit--Preparation of--Instructions--Issued.

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Ref. S.E. (B) 3879/50-3,
Station:-Madras. D. 11/1/51.

From

Sri N.Subrahmanyam, I.C.S.,
Secretary, Board of Revenue (S.E.)

--

Sri T.N.S.Raghavan, I.C.S.,
Commr. for Settlement of Estates.

--

Read the following:-

From the Government, Rev. Dept. Memo No. 72934-J/50-2, d. 3/11/50.

Board's Ref. S.E.B. 3879/50-2, d. 13/11/50

From the State Counsel, Madras, No. 4503/50, d. 27/12/50.

Letter from the Advocate-General, Madras to the State Counsel, Madras, No. Ms. 673-1, d. 5/12/50.

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REFERENCE

With reference to their letter cited, the State Counsel Madras are informed that the allegation in the affidavit filed by the petitioner in C.M.P.No.9915/50 is that the village of Battarahalli Lakshmipuram in Bellary Dt. is

not an estate as defined in the Madras Estates Land Act I of 1908 and that consequently, the R.R.Act is not applicable to it. In this connection, their attention is invited to the letter from the Advocate-General d. 5/12/50 cited above and they are requested to prepare the draft counter-affidavit to be filed by the Government in this case on the lines indicated therein and to send it to the Board for approval. The views of the High Court in C.M.P.6176/50 may also be embodied in the counter-affidavit.

2. The connected records G.O. Rt. 2744, RR d. 30/3/50 and the notice (Ref. C. 3065/50, A.1. d. 7/8/50) of the Asst. Tahsildar, Bellary in original are sent herewith for the production in the Court. Their receipt may kindly be acknowledged.

for Secretary.

To the State Counsel, Madras, with enclosures.
Copy to the Secretary to Government, Revenue Department.

G.R.25/1/51.

To Dy:

The copy of the Board's reference on pp. 12-13 above is submitted for perusal. The Board's further report in the matter may be awaited.

REVENUE DEPARTMENT
Subject
***

Suits - High Court, Madras - CMP.No.9915-50 (Bellary) Bellary taluk-Batrahalli Lakshmipuram village - Proceedings under Act XXX of 1947 Counter affidavit - Approved - filing - instructions - Issued.

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Ref.S.E.B.3879/50-4, dated the 12th February 1951.

From

Sri M.Sankara Menon, B.A.,
Assistant Secretary, Board of Revenue (S.E.)

--

Sri T.N.S.Raghavan, I.C.S.,
Commissioner for Settlement of Estates.

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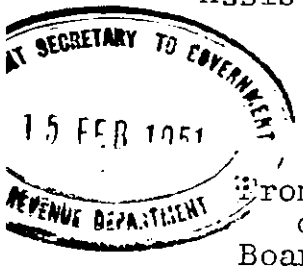

Read the following:-

From the Government, Revenue Department, Memo No.72934 of 50 dated 3rd November 1950.
Board's Ref.S.E.B.3879/50-3 dated 11th January 1951
From the State Counsel, Madras, No.VPVR 1119/51 dated 2-2-1951

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Reference:

The counter affidavit in CMP No.9915 in respect of the above village prepared and sent by the State Counsel, Madras along with their letter cited is approved as amended.

A copy of the State Counsel's letter together with copies of the affidavit and the counter affidavit is forwarded to Sri R.C.Joseph, City Rationing Officer, Madras. He is requested to meet the State Counsel and swear and file the Counter affidavit in the Court on behalf of the Government. He is also requested to

p.t.o.

intimate the fact of having done so to the Board at an early date.

Assistant Secretary

To Sri R.C.Joseph, B.A., City Rationing Officer, Madras (with enclosures
Copy to State Counsel Madras (with enclosures)
√Copy to the Secretary to Government, Revenue Department, Madras (with enclosures)
R/Feb 13

RD

To AR:

One copy of the Board's reference cited above is submitted for perusal. The counter-affidavit approved by the Board copy on p.16 infra does not seem to call for any remarks.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

CMP. NO.9915 of 1950.

Rangana Gowd — Petitioner

Vs

State of Madras and another — Respondent

Counter Affidavit

I son of aged about , residing at do hereby solemnly and sincerely affirm and state as follow:

1. I am (designation) and I know the facts of the case.

2. I have read through a copy of the affidavit filed by the petitioner and deny all the allegations therein except those that are the specifically admitted hereunder.

3. The petitioner has not stated the facts fully or correctly in his affidavit.

4. I state that the petitioner's village is an estate as defined in Section 3(2)(d) of the Madras Estates Land Act I of 1908 and Madras Act XXX of 1947 applies to it.

5. The question however whether the petitione 's village is a estate or not, I submit, may not be gone into the these proceedings by way of a Writ as held by this Hon'ble Court in C.M.P. No.6176 of 1950. The proper forum is a Civil Court and the proper remedy a civil suit for a declaration. If however this question is to be decided in these proceedings, the respondent craves leave to file a further affidavit setting out the facts more fully.

6. With respect to allegations in paragraphs 1 to 3 I state the facts are as stated in paragraph 4 above. Also the Madras Act XXX of 1947 is an independent piece of legislation and has nothing to do with the Act XXVI of 1948 or any decision made thereunder. I state that under the Act XXX of 1947 the respondent alone is entitled to collect the rents as reduced. I further state that neither the Act nor the notification ~~made~~ thereunder is ultra vires, for the reasons stated in the affidavit or for any other reasons. They are intra vires, validly passed and enforceable

7. With reference to allegations in paragraphs 4 and 5 I state that under the Act XXX of 1947 the respondent alone is entitled to collect the rents as reduced. I further state that neither the Act nor the notification made ther under is ultra vires, for the reasons stated in the affidavit or for any other reasons. They are intra vires, validly passed and enforceable.

8. I submit the petitioner is not entitled to any relief and it is prayed that this Hon'ble Court may be pleased to dismiss the petition with costs.

Solemnly affirmed to.....

True Copy

Assistant Secretary

10 JUL 1952
REVENUE DEPARTMENT

10 JUL 1952
4714 88
REVENUE DEPARTMENT

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Monday the third day of March

One thousand nine hundred and fifty two.

Present:

The Honourable Mr.P.V.Rajamannar, Chief Justice

and

The Honourable Mr.Justice Venkatarama Ayyar

Civil Miscellaneous Petition No. 9915 of 1950..

Rangana Gowd .. Petitioner.

The State of Madras represented by
represented by the Secretary, Revenue Department.
2. The Assistant Tahsildar, Bellary .. Respondents.

Petition under article 226 of the Constitution of India, praying that in the circumstances stated in the affidavit filed therewith the High Court will be pleased to issue a writ of certiorari calling for the records and quash the Government notification No.3623 dated 30-3-50, relating to Shrotriem Battrahalli village, Bellary taluk, Bellary district, published in Fort St. George Gazette dated 30-5-50 at page 1652 and the notice issued in pursuance thereof in ie. C.No.3065/50-A.1 dated 7-8-50 by the Assistant Tahsildar, Bellary.

Order: This petition coming on for hearing upon perusing the petition and the affidavit filed in support thereof and the interim order of this court dated 25-10-50 and made herein and the counter affidavit filed herein and upon hearing the arguments of M/S. D. Narasaraju and K.B. Krishnamurthi, Advocates for the petitioner, and of the Advocate General on behalf of the State, the court made the following

ORDER.

According to our decision in C.M.P.No.11740 of 1950 dated 28th September 1951 the remedy of the petitioner in the above case appears to be by way of suit. This application is therefore dismissed. The learned Advocate General on behalf of the State undertakes that notice under Section 80 of the Code of Civil Procedure would not be insisted on in this case, in case suits are filed.

(sd)V.T.Kandaswami,

Official Referee and Vacation Officer.

(True copy)

Sub Assistant Registrar..A.S.

To

1. The Secretary to Government of Madras, Revenue Dept. Fort St. George, Madras (with records)
2. The Tahsildar, Bellary through the Collector, Bellary.
3. The Advocate General, Madras.

Ysr.

Dated 3-3-52.

Rev Dept

Endt no 72934 JR/52-3 Dt 4-2-52

Communicated to the Bd of Rev with ref to its ref S.E(B) 3879/50-4 Dt 12-2-52

Order in C.M.P.No. 9915 of 1950.

2 No records have been send from the High Court with this order. The Bd is requested to take action to get back the connected records from the High Court.

To
The Bd of Rev (S.E)
with a copy of pp 17-18 above.

Dismissing the petition to issue a writ of certiorari and quash the proceedings of Government Notification No. in 3623 dated 30-3-50 published in Fort St.George Gazette dated 30-5-50 at page 1652.